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Hong-Ki Kim

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LOWE HAUPTMAN BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

EXAMINER

TERMANINI, SAMIR

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06/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,969	Applicant(s) KIM ET AL.	
	Examiner Samir Termanini	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/2/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

BACKGROUND

1. This FINAL Office Action is responsive to the following communications:
RCE filed on 6/6/2007.

2. Claims 1-38 are pending in the present application. Claims 36-38 are newly presented claims. Claims 1-2, 9, 10, 14-15, 21, 22-24, 31, 32 and 34 have been amended. Claims: 1, 14, and 23 are in independent form.

3. Arguments concerning the Examiner's rejections of Claims 1-3, 8-16, 21-25 and 30-35, made under 35 U.S.C. §102(b) in the previous Office Action (dated 3/6/2007) have been fully considered but they are not persuasive for the reasons set forth hereunder.

CLAIM OBJECTIONS

4. Claims 12-13, and 34-35 are objected to because of the following typographical error(s): the phrase "vertical icon spacing" appears twice. Appropriate correction is required.

CLAIM REJECTIONS - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-3, 8-16, 21-25, 30-35** are rejected under 35 U.S.C. 102(b) as being anticipated by *Bogdan* (US Pat. No. 5,903,265).

As to independent **claim 1**, *Bogdan* teaches a method of controlling an icon appearance (allows a user to customize the size of window elements provided by an operating system, col. 2, lines 59-61) of a display system having a display screen (video display, col. 2, line 26), the method comprising: backing up display properties of the display system ("saving additional system metrics scheme by pressing the "Save Scheme" button 76.," col. 4, lines 27-36; see also e.g. "SetMenuItemInfo() function in that it interrogates information from the MENUITEMINFO structure.," col. 6, lines 16-20; see also SystemParametersInfo(), col. 6, lines 32-40) which are currently set for an original icon appearance (i.e. "CXICON Icon width ...CYICON Icon height...," col. 4, lines 47-67; see also "CXICONSPACING Horizontal icon spacing...CYICONSPACING Vertical icon spacing" col.4, lines - 9) by generating a first registry subkey in a memory of the display system:

The SystemParametersInfo() function is provided by the operating system 48 to enable an application to query or set system wide parameters. The system wide parameter to query or set is specified by a parameter that is passed to the function call. Amongst the possible values for this parameter is the SPI.sub.-- SETNONCLIENTMETRICS value and the SPI.sub.-- GETNONCLIENTMETRICS parameter. These parameter values are specified to either set or retrieve the various sizes of system visual elements that are defined within the operating system 48, as discussed above. (col. 6, lines 32-42)

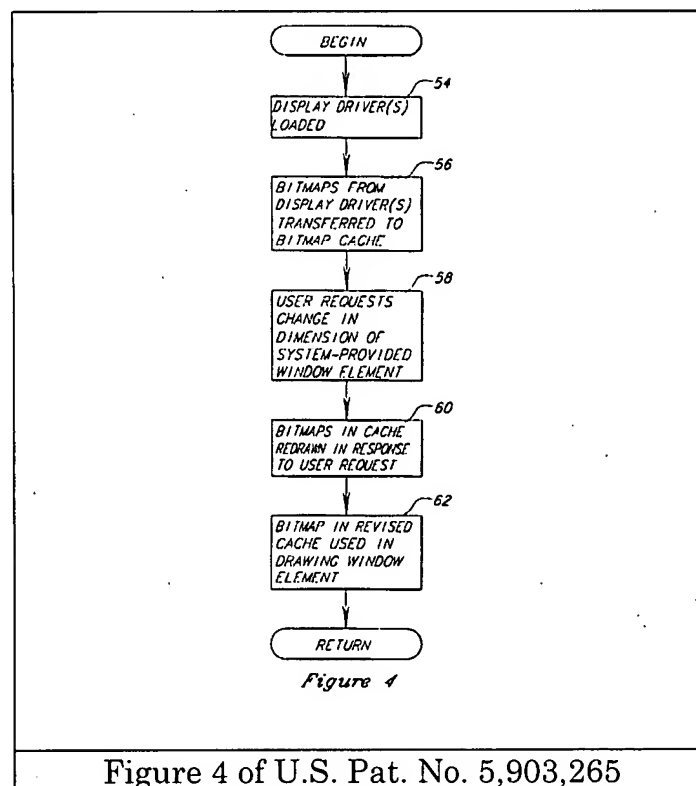
Examples of first registry subkeys:

- CXICON Icon width
- CYICON Icon height
- CXSIZE Minimize/Maximize icon width
- CYSIZE Minimize/Maximize icon height
- CXICONSPACING Horizontal icon spacing
- CYICONSPACING Vertical icon spacing (col. , lines 47-67)

if the display properties are determined to be valid (“...comply with standards that permit its use in the operating system.” col. 2, lines 11-12) and storing the display properties in a corresponding registry; displaying an icon control window on the display screen (dialog box 64, col. 3, lines 36-37), the icon control window including at least one sample icon for a user's preview (icon contained within preview area, preview section 68, col. 3, line 38 ;see also e.g. Fig. 5); changing the at least one sample icon's appearance (e.g. icon width, height, horizontal spacing, and vertical spacing VIA elements: “CXICON,” “CYICON,” “CXICONSPACING,” and “CYICONSPACING,” respectively, see table spanning cols. 3-4) according to inputs for a new icon appearance being received from a user through the icon control window (“The user may click the mouse 44 on the upward arrow 84 to increase the element size and click the mouse on the downward arrow 86 to decrease the element size. In addition, the user may put the caret on the value and directly edit the value.” col. 4, lines 44-58); and changing the icon appearance of the display system by changing the display properties in accordance with the user inputs (“after the user has finalized the changes and exited the dialog box 64, the bitmaps stored in the bitmap cache 52 (FIG. 3) are re-drawn in response to the

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user request...," col. 4, lines 52-55) wherein backing up the display properties is performed immediately prior to changing the at least one sample icon's appearance ("The bitmaps are then transferred using the BitBlt() function [f]rom the display drivers to the bitmap cache 52 [step 56]...", col. 3, lines 23-32). See also element 56 in Fig. 4, showing that backing up the display properties is performed immediately prior to changing the at least one sample icon's appearance:



As to dependent **claim 2**, *Bogdan* further teaches the limitations of claim 1 wherein the received inputs include at least one of an icon size (icon width: "CXICON" and height: "CYICON," see table spanning cols. 3-4; see also window element, Fig. 5) vertical icon spacing ("CYICONSPACING," see table spanning cols. 3-4; see also

window element, Fig. 5), a horizontal icon spacing ("CXICONSPACING," see table spanning cols. 3-4; see also window element, Fig. 5), an icon font size ("...changing the font size..." col. 6, line 7), and an icon font type (icon under font selection, Fig. 5).

As to dependent **claim 3**, *Bogdan* further teaches the limitations of claim 1 wherein the icon control window comprises: an icon size controller providing a plurality of selectable icon sizes for the user to select a desired icon size from the selectable icon sizes ("pre-defined schemes that each specify a single unique set of values [through a] drop down list box 74 that lists the system metrics", col. 4, lines 10-17); a preview region including the at least one sample icon, the sample icon being resized when the desired icon size is selected through the icon size controller ("Examples of window elements that are generated in accordance with the currently selected system metrics scheme are displayed in [preview] section 68." col. 4, lines 20-22)(emphasis added); and an execution controller interfacing with the display system in order to change an icon size of the display system according to the selected icon size ("when an application program wishes to draw a window on the video display, the application program retrieves the bitmaps from the cache and uses the bitmaps to draw the system-provided window elements..." col.2, lines 16-20).

As to dependent **claim 8**, *Bogdan* further teaches the limitations of claim 1, wherein the icon control window (e.g. 64, Fig.5) comprises: a plurality of manual input controllers (e.g. plurality of manual input controllers of control window 64, Fig. 5) manually receiving the inputs from the user ("The user may click the mouse 44 on the upward arrow 84 to increase the element size and click the mouse on the downward

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arrow 86 to decrease the element size. In addition, the user may put the caret on the value and directly edit the value.” col. 4, lines 44-58); a preview region including the at least one sample icon, the sample icon's appearance being changed according to the manually received inputs (section 68, col. 3, lines 36-40); and an execution controller interfacing with the display system for changing the display properties in accordance with the received user inputs (“after the user has finalized the changes and exited the dialog box 64, the bitmaps stored in the bitmap cache 52 (FIG. 3) are re-drawn in response to the user request...,” col. 4, lines 52-55; see also “OK” button of 64, Fig. 5).

As to dependent **claim 9**, *Bogdan* further teaches the limitations of claim 8, wherein the user inputs comprises at least one of an icon size (e.g. window element 70 of Fig. 5 is icon width: “CXICON” and height: “CYICON;” *see also* table spanning cols. 3-4), vertical icon spacing (e.g. window element 70 of Fig. 5 is “CYICONSPACING,” *see also* table spanning cols. 3-4), horizontal spacing (e.g. window element 70 of Fig. 5 is “CXICONSPACING,” *see also* table spanning cols. 3-4), icon font size (“...changing the font size...” col. 6, line 7), and an icon font type (e.g. user input Fonts-> Icon in area 72 of 64 Fig. 5).

As to independent **claim 10**, *Bogdan* further teaches the limitations of claim 1, wherein the backing up display properties comprises: determining whether the display properties are valid based on a display properties table of the display system (“...comply with standards that permit its use in the operating system.” col. 2, lines 11-12; see also “SystemParametersInfo(),” col. 6, lines 32-34).

As to dependent **claim 11**, *Bogdan* further teaches the limitations of claim 1, wherein the displaying an icon control window comprises: determining whether the display properties are valid (“...comply with standards that permit its use in the operating system.” col. 2, lines 11-12) based on a display properties table of the display system (“SystemParametersInfo(),” col. 6, lines 32-34); and displaying the icon control window on the display screen if the display properties are determined to be valid (“...by using a dialog box 64...” col. 3, lines 35-36).

As to dependent **claim 12**, *Bogdan* further teaches the limitations of claim 1, wherein the changing the at least one sample icon's appearance comprises: determining whether the inputs for the new icon appearance are received through the icon control window (“The user may click the mouse 44 on the upward arrow 84 to increase the element size and click the mouse on the downward arrow 86 to decrease the element size. In addition, the user may put the caret on the value and directly edit the value.” col. 4, lines 44-58; “...by using a dialog box 64...” col. 3, lines 35-36); and changing at least one of an icon size (icon width: “CXICON” and height: “CYICON,” see table spanning cols. 3-4; *see also* window element, Fig. 5), vertical icon spacing (“CYICONSPACING,” see table spanning cols. 3-4; *see also* window element, Fig. 5), horizontal icon spacing (“CXICONSPACING,” see table spanning cols. 3-4; *see also* window element, Fig. 5), icon font size (“...changing the font size...” col. 6, line 7), and an icon font type (icon under font selection, Fig. 5; also e.g. small cap under 72) of the at least one sample icon according to the new icon appearance if the user inputs are

received through the icon control window (“...by using a dialog box 64...” col. 3, lines 35-36).

As to dependent **claim 13**, *Bogdan* further teaches the limitations of claim 1, wherein the changing the icon appearance of the display system comprises: determining whether the inputs for the new icon appearance are supported by the display system (“...comply with standards that permit its use in the operating system.” col. 2, lines 11-12); and changing at least one of an icon size (icon width: “CXICON” and height: “CYICON,” see table spanning cols. 3-4; *see also* window element, Fig. 5), vertical icon spacing (“CYICONSPACING,” see table spanning cols. 3-4; *see also* window element, Fig. 5), horizontal icon spacing (“CXICONSPACING,” see table spanning cols. 3-4; *see also* window element, Fig. 5), icon font size (“...changing the font size...” col. 6, line 7), and an icon font type (icon under font selection, Fig. 5; also e.g. small cap under 72) of the display system according to the new icon appearance if the user inputs are supported by the display system (“... and must comply with standards that permit its use in the operating system.” col. 2, lines 11-12).

As to independent **claim 14**, this claim differs from claim 1 only in that, this claim is a system claim whereas claim 1 is a method claim. Since *Bogdan* taught the system for carrying out the method of claim 1 (system 36, col. 2, lines 66-67), this claim is rejected for the same reasons set forth in the treatment of claim 1.

As to dependent **claims 15-16, 21-22**, these claims differ from claims 2-3 and 8-9, only in that, these claims are system claims whereas claims 2-3 and 8-9, respectively, are method claims. Since *Bogdan* taught the system for carrying out the method of

claims 2-3 and 8-9 (system 36, col. 2, lines 66-67), these claims are rejected for the same reasons set forth in the treatment of claims 2-3 and 8-9 respectively.

As to independent **claim 23**, this claim differs from claim 1 only in that, this claim is a product claim defined by the method of claim 1. Since *Bogdan* taught the product for carrying out the method of claim 1 ("A computer-readable medium having computer-executable instructions for performing, by a computer system having a display and a processor running an operating system and an application program..." see Claim No. 8), this claim is rejected for the same reasons set forth in the treatment of claim 1.

As to dependent **claim 24-25 and 30-35**, these claims differ from claims 2-3 and 8-13 only in that, these claims are product claims defined by the methods of claims 2-3 and 8-13, respectively. Since *Bogdan* taught the product for carrying out the method of claim 1 ("A computer-readable medium having computer-executable instructions for performing, by a computer system having a display and a processor running an operating system and an application program..." see Claim No. 8), these claims are rejected for the same reasons set forth in the treatment of claims 2-3 and 8-13, respectively.

As to **claim 36**, *Bogdan* further teaches the limitations of claim 1 wherein backing up is performed automatically in response to the inputs for a new icon appearance being received from the user through the icon control window ("...Each time that the system metrics are changed, these routines are called to re-draw the bitmaps for the system-provided window elements..." col.4 , lines 62-67) .

As to **claim 37**, *Bogdan* further teaches the limitations of claim 1 wherein the display properties include one of an icon size, a vertical icon spacing ("CYICONSPACING," see table spanning cols. 3-4; see also window element, Fig. 5, a horizontal icon spacing ("CXICONSPACING," see table spanning cols. 3-4; see also window element, Fig. 5), an icon font size ("...changing the font size..." col. 6, line 7) and an icon font size (icon under font selection, Fig. 5).

As to **claim 38**, *Bogdan* further teaches the limitations of claim 1 wherein the method of claim 37, wherein the change in the sample icon's appearance is performed with respect to the backed-up display properties ("...exited the dialog box 64, the bitmaps stored in the bitmap cache 52 (FIG. 3) are re-drawn in response to the user request (step 60). ...," col. 4, lines 50-60).

CLAIM REJECTIONS - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 4-5, 17-18, and 26-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bogdan* in view of *Morris-Yates et al.* (US PG Pub. 2002/0054144 A1).

As to dependent **claim 4**, *Bogdan* teaches the limitations of claim 3 as discussed above. *Bogdan* does not expressly disclose that the icon size controller comprises a sliding bar with minimum and maximum icon sizes, the user selecting the desired icon size by moving a size indicator within the sliding bar. *Morris-Yates et al.* is cited for teaching the icon size controller (Fig. 3) comprising a sliding bar with with minimum and maximum icon sizes (see Fig. 4 below):

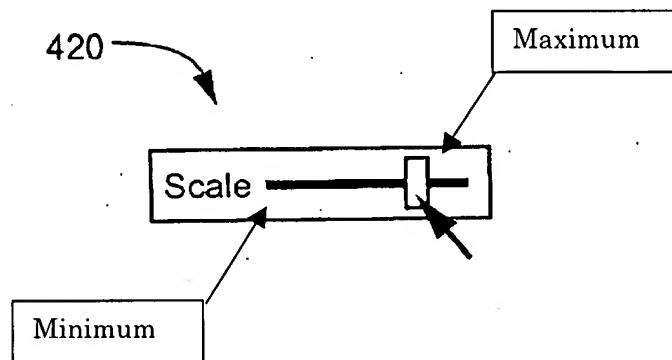


Fig. 4

the user selecting the desired icon size by moving a size indicator (providing active user feedback in a graphic user interface, para. [0003]) within the sliding bar (control 110 being a "scale" adjustment control in a "slider" format, para. [0006]). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the sliding bar of *Morris-Yates et al.* in *Bogdan* because *Morris-Yates et al.* is directed to the same problem of using size controllers having sliding bars for scaling graphical elements and expressly suggests the use of the sliding bars for the advantage of providing "...feedback as to the potential results of changing a setting [eliminating

the] "change and wait" sequence for the user, which is inconvenient and frustrating." para. [0008]).

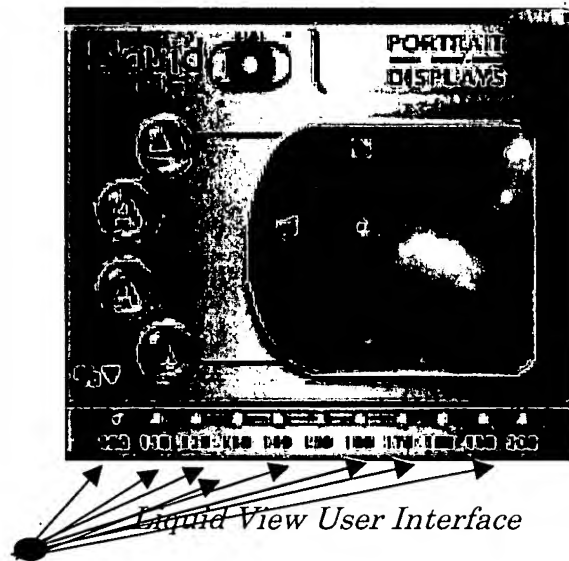
As to dependent **claim 5**, *Bogdan* teach the limitations previously discussed with respect to claim 4 above, further comprising the minimum and maximum icon sizes of the sliding bar are selected from a size range supported by the display system ("pre-defined schemes that each specify a single unique set of values [of] system metrics", col. 4, lines 10-17). *Bogdan* does not expressly disclose that the icon size controller comprises a sliding bar with minimum and maximum icon sizes, the user selecting the desired icon size by moving a size indicator within the sliding bar. *Morris-Yates et al.* further teaches the icon size controller (Fig. 3) comprising a sliding bar with minimum and maximum icon sizes (see Fig. 4 above) the user selecting the desired icon size by moving a size indicator (providing active user feedback in a graphic user interface, para. [0003]) within the sliding bar(control 110 being a "scale" adjustment control in a "slider" format, para. [0006]). Thus, the combination of *Bogdan* and *Morris-Yates et al.* meet the claimed limitations for the same reasons set forth in the discussion of claim 4 above.

As to dependent **claims 17 and 18** these claims differ from claims 4 and 5 only in that these claims are system claims whereas claims 4 and 5, respectively, are method claims. Since *Bogdan* taught the system for carrying out the method of claims 4 and 5 (system 36, col. 2, lines 66-67), these claims are rejected for the same reasons set forth in the treatment of claims 4 and 5 respectively.

As to dependent **claims 26 and 27**, these claims differ from claims 4 and 5 only in that these claims are product claims defined by the methods of claims 4 and 5, respectively. Since *Bogdan* taught the product for carrying out the method of claim 1 (“A computer-readable medium having computer-executable instructions for performing, by a computer system having a display and a processor running an operating system and an application program...” see Claim No. 8), these claims are rejected for the same reasons set forth in the treatment of claims 4 and 5, respectively.

7. **Claims 6-7, 19-20, and 28-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bogdan* in view of a publication by Portrait Displays, Inc. titled “Learn How Portait Displays’ Liquid View 2.0 Can Bring On-Screen Navigation Into Focus” (hereinafter “*Portrait*”).

As to dependent **claim 6**, *Bogdan* teach the limitations of claim 3, discussed above. *Bogdan* does not expressly disclose the icon size controller to comprise a plurality of selectable buttons representing the plurality of selectable icon sizes, the user selecting the desired icon size by selecting one of the selectable buttons. *Portrait* is cited for teaching the icon size controller comprising a plurality of selectable buttons representing the plurality of selectable icon sizes, the user selecting the desired icon size by selecting one of the selectable buttons from 100 to 300 (Eleven predefined settings, col. 1 within text box; See also Fig. *Liquid View User Interface*, pp.1 below):



Selectable icon sizes
via selectable buttons

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the selectable buttons of *Portrait* with *Bogdan* because *Portrait* is: (1) directed to precisely the same problem of controlling the display of a system having a display screen (“...which gives users an immediate way to increase the size of fonts, icons, and menus...” col. 1, second to last para.)(emphasis added); (2) is in the same field of endeavor of “...letting users quickly scale up their menus and icons...” (col. 1, last paragraph); and (3) *Portrait* expressly suggests “Liquid View 2.0 makes relationships between various user-definable elements simple and easy to change from one location.”

As to dependent claim 7, *Bogdan* teach the limitations of claim 6 as discussed above. *Bogdan* does not expressly disclose that the plurality of selectable buttons include toggle buttons. *Portrait* is cited for teaching the plurality of selectable buttons include toggle buttons (see above, Fig. Liquid View User Interface, where each of the

eleven buttons are toggle buttons). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the toggle buttons of *Portrait* with *Bogdan* for the reasons set forth above.

As to dependent **claims 19 and 20** these claims differ from claims 6 and 7 only in that, these claims are system claims whereas claims 6 and 7, respectively, are method claims. Since *Bogdan* taught the system for carrying out the method of claims 6 and 7 (system 36, col. 2, lines 66-67), these claims are rejected for the same reasons set forth in the treatment of claims 6 and 7 respectively.

As to dependent **claims 28 and 29**, these claims differ from claims 6 and 7 only in that these claims are product claims defined by the methods of claims 6 and 7, respectively. Since *Bogdan* taught the product for carrying out the method of claim 1 ("A computer-readable medium having computer-executable instructions for performing, by a computer system having a display and a processor running an operating system and an application program..." see Claim No. 8), these claims are rejected for the same reasons set forth in the treatment of claims 6 and 7, respectively.

RESPONSE TO ARGUMENTS

8. Applicants' arguments, see p. 11, filed 12/12/2006, with respect to the Objections cited by the Examiner in the previous Office Action (dated 3/6/2007), to the Specification and Claims with regard to informalities have been fully considered and are persuasive. Accordingly, the Objections to the Specification and claims have been withdrawn.

9. Applicants' arguments, see p. 11, filed 12/12/2006, with respect to the Rejections cited by the Examiner in the previous Office Action (dated 3/6/2007), to the Claims with regard to Bogdan teaching "backing up the display properties" have been fully considered but are not persuasive.

Bogdan teach saving additional system metrics scheme by pressing the "Save Scheme" button 76 disclosed at col. 4, lines 27-36.

10. Applicants' arguments, see p. 12, filed 12/12/2006, with respect to the Rejections cited by the Examiner in the previous Office Action (dated 3/6/2007), to the Claims with regard to Bogdan teaching "backing up these properties before showing a user a preview of the new settings" have been fully considered but are not persuasive.

In particular, it is respectfully submitted that pointing out unclaimed features in the disclosure does nothing to show error in the rejection.

RESPONSE TO ARGUMENTS

11. Applicant's arguments, see p. 7, filed 6/6/2007, with respect to the Objection cited by the Examiner in the previous Office Action (dated 6/30/2006), to the Specification with regard to typographical errors have been fully considered and are persuasive. Accordingly, the Objection to the Specification has been withdrawn.

12. Applicant's arguments, see p. 7, filed 6/6/2007, with respect to the Objection cited by the Examiner in the previous Office Action (dated 6/30/2006), to the Specification with regard to proper antecedent basis have been fully considered and are persuasive. Accordingly, the Objection to the Specification has been withdrawn.

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13. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

RESPONSE TO ARGUMENTS

14. Applicant arguments, see p. 12, filed 6/6/2007, with respect to the 35 U.S.C. §102(b) Rejections of Claims 1-3, 8-16, 21-25 and 30-35, cited by the Examiner in the previous Office Action (dated 3/6/2007), have been fully considered but are not persuasive.

I. THE BOGDAN PATENT TEACHES BACKING UP THE DISPLAY PROPERTIES BEING PERFORMED IMMEDIATELY PRIOR TO CHANGING THE AT LEAST ONE SAMPLE ICON'S APPEARANCE.

Applicant argues that "[t]he Bogdan patent does not teach or suggest backing up the display properties immediately prior to changing the at least one sample icon's appearance." Applicant states that the teaching in Bogdan cited by the Examiner does "... not occur immediately prior to changing the icon appearance of the display system by changing the display properties in accordance with user inputs."

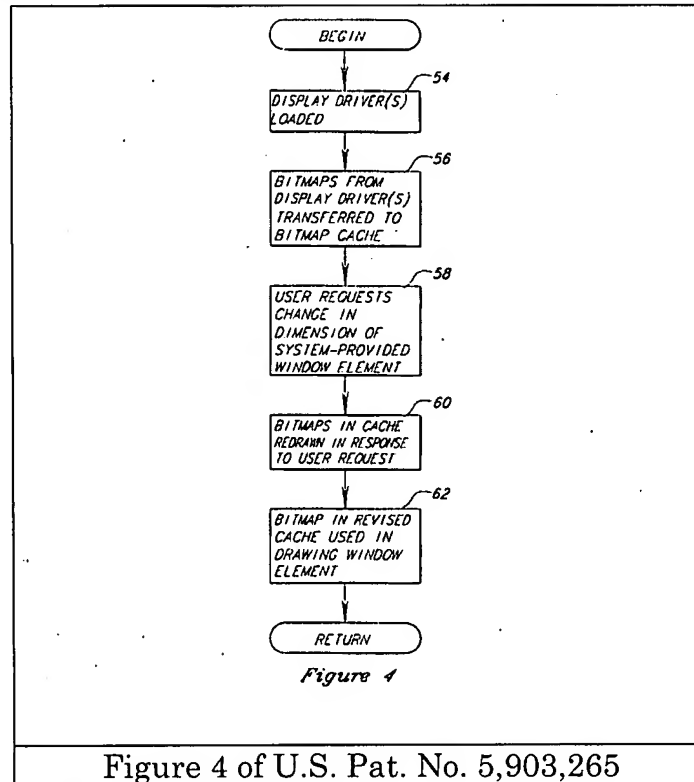
In response to applicant's argument, applicant is directed to the following passage:

[0005] FIG. 4 is a flowchart illustrating an overview of the steps performed by the preferred embodiment of the present invention to facilitate resizing of system-provided window elements. The display driver or drivers for output devices, such as the video display 46 or the printer 47 (FIG. 1) are loaded into the memory 40 (Step 54 in FIG. 4). The bitmaps are then transferred using the BitBlt() function (such as described in the

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Background of the Invention) from the display drivers to the bitmap cache 52 (step 56).(emphasis added).¹

And Figure 4:



II. A REFERENCE MAY BE RELIED UPON FOR ALL THAT IT WOULD HAVE REASONABLY SUGGESTED TO ONE HAVING ORDINARY SKILL THE ART, INCLUDING NONPREFERRED EMBODIMENTS.²

Applicant argues, "The Bogdan patent does not teach or suggest changing the at least one sample icon's appearance according to the inputs for a new icon appearance

¹ *Bogdan* at col. 3, lines 23-32.

² *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989). See also *Upsher-Smith Labs. v. Pamlab, LLC*, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005).

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being received from a user through the icon control window."³ And further contends that the rejection(s) are improper because "...the Examiner must assume that such changes in the Element Size box 82 will result in changes in the display in preview section 68."⁴

In response to applicant's argument that the Examiner's conclusion of anticipation is based upon speculative assumption, it is noted that the written description can be relied on in combination with the drawings themselves for what they would reasonably teach one of ordinary skill in the art.⁵

CONCLUSION

15. All prior art made of record in this Office Action or as cited on form PTO-892 notwithstanding being relied upon, is considered pertinent to applicant's disclosure. Therefore, Applicant is required under 37 CFR §1.111(c) to consider these references fully when responding to this Office Action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

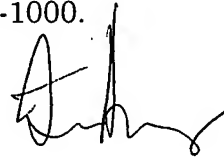
³ REMARKS of RCE Filed 6/6/2007 at p.12.

⁴ *id.* at 12.

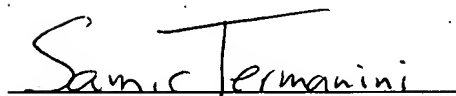
⁵ In re Wright, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



STEPHEN HONG
SUPERVISORY PATENT EXAMINER



Samir Termanini
Patent Examiner
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